

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN FERNANDEZ,)	3:14-CV-0578-MMD (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	August 27, 2015
)	
JAMES GREG COX, et al.,)	
)	
Defendants.)	
)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court are several motions filed by plaintiff concerning service of process of the remaining unserved defendants (#s 61, 64, 76 & 85). The court will address each unserved defendant in turn and grants in part and denies in part these motions as follows:

Amanda Hoerester

Defendant Hoerester was dismissed without prejudice in the court's screening order (#4) because there are no allegations in the complaint against this defendant. Nevertheless, either through inadvertence or error undoubtedly due to the vast number of defendants, the Office of the Attorney General provided the last known address for defendant Hoerester¹ (#13), and the court ordered service of this defendant (#19). The U.S. Marshal returned the summons for defendant Hoerester unexecuted after three attempts with no answer at the defendant's residence (#46-1).

Plaintiff's motions (#s 61, 64, & 76) are **DENIED** as to defendant Hoerester who was dismissed from this action pursuant to the court's screening order (#4).

Taylor Paryga

The U.S. Marshal has made three attempts of service on this defendant at his last known address as follows: June 8, 2015 at 4:00 p.m.; June 9, 2015 at 11:45 a.m.; and June 11, 2015 at 5:55 p.m. (#46). Plaintiff's requests for an enlargement of time to November 6, 2015 to serve this defendant (#61 & 76) are **GRANTED**. Plaintiff's motion for a court order for copies of the

¹This defendant's name is spelled both Hoerester and Hoerster in court documents.

complaint and summons for service (#64) is **DENIED without prejudice**. The court will order the U.S. Marshal to reattempt service on this defendant three times. The U.S. Marshal shall make three additional attempts to serve this defendant at times *other than* between 8:00 a.m. through 6:00 p.m. Monday through Friday. The Clerk shall **SEND** a copy of this order to the U.S. Marshal.

The Clerk shall **ISSUE** a summons for **Taylor Paryga** and send the same to the U.S. Marshal with the address provided under seal (#13), one copy of the complaint (#5), and one copy of this order for the defendant. The Clerk shall **SEND** to plaintiff one USM-285 form. Plaintiff shall have until **Wednesday, September 9, 2015** to complete the USM-285 service form and return it along with the other documents to the U.S. Marshal for service.

Thomas Lamb

The Office of the Attorney General has notified the court that it accepts service on behalf of this defendant (#87). Therefore, plaintiff's motion to compel the defendants to provide the correct address for defendant Thomas Lamb (#85) is **DENIED as moot**. Plaintiff's request for an enlargement of time to November 6, 2015 to serve this defendant (#76) is **DENIED as moot**.

Michael Brown

The last known address for this defendant is a Post Office Box. Plaintiff's request for an enlargement of time to November 6, 2015 to serve this defendant (#76) is **GRANTED**. The Office of the Attorney General shall review the address provided under seal for accuracy and to determine if a physical address exists for this defendant, and file a report under seal with the court on or before **Wednesday, September 9, 2015**. Thereafter, the court will issue a separate order regarding service of this defendant.

Janet Garcia

The Office of the Attorney General has identified that a female officer worked the night shift on May 16 and 17, 2015 (#66). Defendants contend Janet Garcia is not a defendant (#87); however, plaintiff contends this person is the defendant in the complaint (#92). Therefore, plaintiff's request for an enlargement of time to November 6, 2015 to serve this defendant (#76) is **GRANTED**. The Office of the Attorney General shall advise the court on or before **Wednesday, September 9, 2015** whether it will accept service on behalf of this defendant or file this defendant's last known address under seal.

The Office of the Attorney General has accepted service on behalf of all other defendants remaining in this case.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: _____ /s/
Deputy Clerk